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In re Application of
David Ross, et al.
Application No. 09/768,316
Filed: January 25, 2001
For: **VIDEO PRODUCTION SWITCHER
WITH INTEGRATED ASPECT RATIO
CONVERTER**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed December 4, 2003 and resubmitted on July 19, 2004, which is treated as Petition to Withdraw the Holding of Abandonment pursuant to 37 C.F.R. §1.181. No fee is required.

The petition is **GRANTED**.


The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed April 28, 2003. A Notice of Abandonment was mailed on November 20, 2003.

Petitioner asserts that a proper response was timely filed on July 22, 2003. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt which itemized a transmittal letter and an amendment. A copy of the amendment and transmittal letter accompanied the July 19, 2004 petition.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.


Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications